

REMARKS

The Applicants have now had an opportunity to carefully consider the comments set forth in the Office Action mailed February 22, 2006. All of the rejections are respectfully traversed. Amendment, reexamination and reconsideration of the application in light of the following comments are respectfully requested.

The Office Action

In the Office Action mailed February 22, 2006:

claims 1-5 and 7-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,930,700 to Pepper, et al. ("Pepper") in view of U.S. Patent No. 5,748,718 to Manicone ("Manicone");

claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Manicone and further in view of U.S. Patent No. 5,826,185 to Wise, et al. ("Wise");

claims 10-15 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of U.S. Patent No. 6,564,047 B1 to Steele, et al. ("Steele");

claims 16, 18 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele and further in view of Wise;

claims 17, 22 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele and further in view of Manicone;

claims 19 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable in view of four references, Pepper, Steele, Wise and Chow; and

claims 25-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Manicone and further in view of Wise.

The Present Application

By way of brief review, the present application is directed toward systems and methods for screening calls on the basis of a priority assigned to the calling party and a current cost (monetary or opportunity) to a communications service subscriber. For example, a calling line identification or PIN is used to identify the calling party and to find a priority level assigned to the calling party by the subscriber. An applicable billing category is determined (e.g., a night or weekend, peak, or mobile-to-mobile billing category). Additionally, or alternatively, an unused amount of air time or message units

in a basic allotment of message units or air time is determined. If, given the amount of remaining message units or the cost of message units, the priority level assigned to the calling party justifies call completion, user equipment of the calling party is connected to the user equipment of the subscriber. Otherwise, user equipment of the calling party is connected to a message service or call completion is denied (Abstract).

The Newly Cited Reference

In stark contrast, the newly cited reference to Manicone is unrelated to automated call screening or call screening of any kind. Instead, Manicone is directed toward a telephone monitoring system. Allegedly, the system of Manicone provides detection and visual indication of incoming telephone calls, time of call, date of call, cost of call, length of call and performs message indication and monitoring functions (column 1, lines 13-19).

While Manicone mentions keeping track of the cost of a call that is completed, Manicone is silent with regard to automatic call screening or diverting a call to a message service based on caller priority and a cost of communication or air time minutes. Indeed, Manicone is silent with regard to air time and appears to be adapted for use with wireline phones installed in a premises (column 4, lines 46-49).

In support of the assertion that Manicone discloses screening calls based on a current cost of message units, the Office Action directs the attention of the Applicants to column 1, lines 14-20. However, the cited portion of column 1 includes no disclosure or suggestion of screening calls.

In support of the assertion that Pepper and Manicone disclose requesting billing information regarding the subscriber from a billing system. comprises requesting information regarding occurring cost to the subscriber of air time, the Office Action directs the attention of the Applicants to column 6, line 43 - column 7, line 30. However, while the cited portion of Manicone includes the word --screen--, the word is used as a noun in reference to a display screen 2 depicted, for example, in FIGS. 4-10 of Manicone.

In contrast, the disclosure and claims of the present application the word --screen-- or --screening-- is used as a verb. In this context, *Merriam Webster Online Dictionary* defines the word --screen-- as follows:

1 : to guard from injury or danger

2 a : to give shelter or protection to with or as if with a screen **b** : to separate with or as if with a screen; *also* : to shield (an opponent)

from a play or from view of a play

3 a : to pass (as coal, gravel, or ashes) through a screen to **separate the fine part from the coarse**; *also* : to remove by a screen **b (1)** : to examine usually methodically in order to make a separation into different groups **(2)** : to select or eliminate by a **screening process**

4 : to provide with a screen to keep out pests (as insects) **5 a (1)** : to present (as a motion picture) for viewing on a screen **(2)** : to view the presentation of (as a motion picture) **b** : to present in a motion picture

intransitive senses

1 : to appear on a motion-picture screen

2 : to provide a screen in a game or sport
(emphasis added)

It is respectfully submitted that in the context of the present application, one of ordinary skill in the art would understand the use of the words --screen-- or --screening-- to refer to **examining in order to make a separation into different groups, to select or eliminate by a screening process or to provide a screen to keep out pests.**

It is respectfully submitted that column 6, line 43 - column 7, line 30, of Manicone do not disclose or suggest requesting billing information from a billing system. Furthermore, column 6, line 43 - column 7, line 30, does not disclose or suggest requesting information regarding a current cost to the subscriber of air time.

Column 6, line 53, mentions a price per minute; column 7, lines 4 and 5, mention a price per minute and a cost of each phone call; column 7, line 16, mentions a price per minute. However, nothing in the cited portion of Manicone discloses or suggests air time, nothing in the cited portion of Manicone discloses or suggests requesting information regarding a current cost from a billing system and nothing in the cited portion of Manicone discloses or suggests requesting billing information regarding the subscriber from a billing system comprises requesting information regarding a current cost to the subscriber of air time.

In support of the assertion that Manicone discloses determining the current air time ration state associated with the subscriber comprises calculating the current air time ration state based on a current subscriber cost of air time, the Office Action directs the attention of the Applicants to column 1, lines 42-48, and to column 10, lines 9-24.

The same portions of Manicone are cited in support of the assertion that Manicone discloses determining the air time ration state associated with the subscriber comprises requesting billing information regarding the subscriber from a billing system and that the combination of Pepper, Steele and Manicone discloses requesting billing

information regarding the subscriber from a billing system comprises requesting information regarding a current cost to the subscriber of air time.

However, column 1, lines 42-48, of Manicone recite assertions of Manicone that in the prior art, "for example, a customer who wants call waiting, but in a form slightly different from what is made. Moreover, adding a new service to existing services creates significant problems due to possible interaction between the new and existing services. This creates additional obstacles to implementing new telephone services. For example, it is very possible that adding a new service, such as call waiting, may be incompatible in certain circumstances with an existing service, such as call transfer on busy."

It is respectfully submitted that column 1, lines 42-48, are completely unrelated to determining a current air time ration state associated with a subscriber or requesting billing information regarding the subscriber from a billing system. It is also respectfully submitted that the cited portion of column 1 is also unrelated to requesting information regarding a current cost to the subscriber of air time or calculating a current air time ration state based on a current subscriber cost (charge) of air time.

The Office Action relies on column 1, lines 45-48, to support the assertion that Manicone discloses a system operative to conserve message units for a subscriber comprising to determine a current unit ration state based on a current cost of message units to the subscriber, and for other subject matter related to assertions regarding the combination of Pepper, Manicone and Wise.

However, as indicated above, column 1, lines 45-48, discuss problems, alleged by Manicone, in the prior art related to implementing new services and are completely unrelated to determining a current message unit ration state or a current cost of message units to a subscriber.

The Office Action is not Completely Responsive

The Office Action indicates that Applicants' arguments filed on December 2, 2005 have been considered but are moot in view of the new grounds of rejection (i.e., Manicone).

However, it is respectfully submitted that not all of the rejections are based on new grounds. For example, claims 10-15 and 30, 16, 18 and 21, and claims 19 and 20 were rejected for the same reasons as those presented in the Office Action of July 14, 2005. Since the present Office Action does not respond or reply to the arguments

presented in Applicants' Amendment A related to these claims, or indicate why those arguments were not persuasive, the Applicants have been denied an opportunity to consider the position of the Office and to provide rebuttal arguments and/or amendments.

The Claims are not Obvious

Claims 1-5, 7 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Manicone.

In explaining the rejection of **claim 1**, the Office Action stipulates that Pepper fails to disclose screening calls based on a current cost message unit and relies on column 1, lines 14-20, of Manicone for this disclosure.

However, as indicated above, column 1, lines 14-20, indicate that Manicone is directed to a customer premises call management device to provide detection and visual indication of incoming calls, time of call, date of call, cost of call, length of a call and to perform message indication and monitoring functions in conjunction with either personal telephone call monitoring or central office-based telephone call monitoring.

It is respectfully submitted that nothing in this cited portion of Manicone discloses screening calls based on a current cost of message units or otherwise. Instead, Manicone discloses a device for displaying the cost of calls.

For at least the foregoing reasons, **claim 1**, as well as **claims 2-9**, which depend therefrom, is not anticipated and is not obvious in light of Pepper and Manicone taken alone or in any combination.

Furthermore, there is no motivation for combining the cited disclosures of Pepper and Manicone, and the Office Action fails to suggest such a motivation. Therefore, the Office has not met the requirements for presenting a case for *prima facie* obviousness.

Even if Manicone is in a similar field of endeavor to that of Pepper, even if Manicone disclosed the subject matter for which it is relied, and even if the subject matter of Manicone could be combined with that of Pepper, it is respectfully submitted that the mere fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness (MPEP 2143.01 (III)).

For at least the foregoing additional reasons, **claim 1**, as well as **claims 2-9**, which depend therefrom, is not anticipated and is not obvious in light of Pepper and Manicone taken alone or in any combination.

Additionally, with regard to **claims 7-9**, the Office Action directs the attention of

the Applicants to column 6, line 43 - column 7, line 30, in Manicone.

However, the cited portion of Manicone simply summarizes the subject matter depicted in FIGS. 4-10. It is respectfully submitted that while FIGS. 4-10 illustrate display screens, FIGS. 4-10 and **the cited portions of column 6 and 7 do not disclose or suggest selecting or eliminating calls by screening**. Furthermore, neither the cited portion nor the figures disclose or suggest requesting billing information regarding a subscriber from a billing system, or that such a request includes requesting information regarding unused allocated air time from an allotment of air time in air time allocation associated with the subscriber, or requesting information regarding a current cost to the subscriber of air time.

For at least the foregoing additional reasons, **claims 7-9** are not anticipated and are not obvious in light of Pepper and Manicone taken alone or in any combination.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Manicone and further in view of Wise. However, **claim 6** depends from **claim 1** and is not anticipated and is not obvious for at least that reason.

Additionally, the Office Action stipulates that Pepper and Manicone fail to disclose screening calls comprises completing the requested call to a mobile device of the subscriber if the current ration state is unrestricted. In this regard, the Office Action relies on the Abstract; column 1, line 61 - column 2, line 10; column 3, lines 31-42; and column 5, line 32 - column 6, line 9, of Wise.

However, none of the cited portions of Wise disclose or suggest screening incoming calls or completing a requested call to a mobile device of the subscriber if the current ration state is unrestricted. The Abstract indicates that Wise is related to a cellular phone system in which a cellular phone user (CPU) has a cellular phone and a predetermined amount of available air time. Additionally, the Abstract briefly describes what happens in the system of Wise when a cell cite receives a call **from the CPU**. The Abstract of Wise does not disclose or suggest processing associated with calls directed to the CPU.

Column 1, line 50 - column 2, line 10, which includes column 1, line 61 - column 2, line 10, cited by the Office Action, is directed to processing that occurs when a cellular phone user (CPU) initiates an outgoing call and is unrelated to completing a requested call to a mobile device of the subscriber if the ration state is unrestricted.

Column 3, lines 31-42, is part of a discussion of what the PATTI system of Wise does when the cellular phone user (CPU) places a call. For example, beginning at

column 3, line 19, it is explained that the PATTI goes off hook, listens for DTMF digits and **answers** the CPU (cellular phone user) telephone call by informing the CPU the available air time minutes and playing a tone which indicates to the CPU the desired telephone number can be called. It is respectfully submitted that the reference to incoming and outgoing calls in this portion of Wise is meant to be a reference to called and calling parties, respectively, as it is a description or part of an explanation of the desirability of using a full duplex connection for talk and received auto path begun at about line 27. The cited portion of column 3 does not disclose or suggest completing requested calls to a mobile device of the subscriber if the current ration state is unrestricted.

The cited portions of columns 5 and 6 are related to real time billing for the PATTI cellular network program (column 5, lines 13-14) and do not disclose or suggest completing the suggested requested call to a mobile device of the subscriber if the current ration state associated with the subscriber is unrestricted.

Additionally, there is no motivation in the art for combining the cited portions of Pepper, Manicone and Wise, and the Office Action does not assert or suggest a motivation. Therefore, the Office has not met the requirements for presenting a case for *prima facie* obviousness.

For at least the foregoing additional reasons, **claim 6** is not anticipated and is not obvious in light of Pepper, Manicone and Wise taken alone or in any combination.

Claims 10-15 and **30** were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele.

However, in explaining the rejections of **claims 10** and **30**, the Office Action stipulates that Pepper fails to disclose the method of managing air time comprising determining a current air time ration state associated with the subscriber and processing the call request according to the current ration state. The Office Action relies on Steele for this disclosure and directs the attention of the Applicants to column 5, lines 25-28.

Column 5, lines 25-28, discuss restricted bins which would include telephone numbers and addresses to which the user has limited access. This could include local calls, favorite games, URLs, etc. The restrictions could be time based (calls are allowed or prohibited during specific times of day) or air time based (user is allowed to use the restricted bin for a specific number of air time minutes). Each bin would also have a flag to allow soft or hard restriction.

However, it is respectfully submitted that even if the air time (bins) of Steele are

to be interpreted as being related to a current ration state, it is respectfully submitted that the bins of Steele are related to outgoing calls. For example, see column 6, line 5, through column 7, line 3; FIG. 2, reference numeral 100; and column 7, lines 4-46. Therefore, it is respectfully submitted that the combination of Pepper and Steele does not disclose or suggest processing a call request from a calling party according to the current ration state associated with a subscriber and the priority of the calling party.

For at least the foregoing reasons, **claim 10**, as well as **claims 11-24**, which depend therefrom, and **claim 30** are not anticipated and are not obvious in light of Pepper and Steele taken alone or in any combination.

Additionally, with regard to **claim 15**, it is respectfully submitted that, while the cited portions of Steele discuss air time, time limits and exceeding time limits, Steele does not disclose or suggest determining a remaining air time allocation period fraction associated with the subscriber, determining a remaining air time allocation fraction associated with the subscriber or determining a remaining air time allocation period to air time allocation air time fraction ratio associated with the subscriber. Therefore, it is respectfully submitted that the combination of Pepper and Steele does not disclose or suggest determining the current air time ration state based on the air time allocation period to air time allocation fraction ratio. For example, please compare the disclosure found, for example, on page 8, line 20 -- page 9, line 2, with the subject matter cited against **claim 15** in the Office Action.

For at least the foregoing additional reasons, it is respectfully submitted that **claim 15** is not anticipated and is not obvious in light of Pepper and Steele taken alone or in any combination.

Additionally, it is respectfully submitted that there is no motivation in the art for combining the cited portions of Pepper and Steele, and the Office Action did not assert or suggest such a motivation. Therefore, the Office has not met the requirements for presenting a case for *prima facie* obviousness.

Even if Pepper and Steele include all the subject matter for which they are relied, and even if the subject matter of the references can be combined, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (MPEP 2143.01(III)).

For at least the foregoing additional reasons, independent **claims 10** and **30**, as well as **claims 11-24**, which depend from **claim 10**, are not anticipated and are not

obvious in view of Pepper and Steele taken alone or in any combination.

Claims 16, 18 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele and further in view of Wise.

However, **claims 16, 18 and 21** depend from **claim 10** and are not anticipated and are not obvious for at least that reason.

Additionally, the Office Action stipulates that the combination of Pepper and Steele fails to disclose that determining current air time ration state associated with the subscriber comprises calculating the current air time ration state based on a function of remaining allocated air time in an air time allocation period and connecting the calling party to a message service if the current ration state is at a maximum restriction and relies on Wise for such disclosure.

However, as explained above, Wise does not disclose or suggest screening incoming calls but, rather, discusses processing outgoing calls placed by a prepaid cellular phone user (CPU). Therefore, it is respectfully submitted that Wise does not disclose or suggest connecting a calling party (i.e., separate from the subscriber) to a message service if the current ration state is at a maximum restriction and the priority level of the calling party is low as recited in **claim 21**. Column 1, line 58, -- column 2, line 20, discuss processing an outgoing call generated by the subscriber or CPU, as does column 3, line 15 -- column 4, line 44, except that column 3, lines 40-43, discuss either blocking incoming calls or having the calling party pay for the incoming call. Furthermore, it is respectfully submitted that while Wise discusses prepaid air time and deducting minutes from the cellular phone user's account (e.g., column 2, lines 8-9), it is respectfully submitted that Wise does not disclose or suggest calculating a current air time ration state based on a function of remaining allocated air time as recited in **claim 16** or determining a current time associated with the subscriber, determining a remaining air time allocation associated with the current time and determining the current air time ration state as a function of the remaining air time allocation as recited in **claim 18**.

For at least the foregoing additional reasons, **claims 16, 18 and 21** are not anticipated and are not obvious in light of Pepper, Steele and Wise taken alone or in any combination.

Additionally, there is no motivation in the art for combining the cited portions of Pepper, Steele and Wise, and the Office Action does not assert or suggest that such a motivation exists or what such a motivation might be. Therefore, the Office has not met

the requirements for presenting a case for *prima facie* obviousness.

Even if Pepper, Steele and Wise disclose or suggest the subject matter for which they are relied, and even if the references can be combined, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.

For at least the foregoing additional reasons, **claims 16, 18 and 21** are not anticipated and are not obvious in light of Pepper, Steele and Wise taken alone or in any combination (MPEP 2140.01(III)).

Claims 17, 22 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele and further in view of Manicone.

However, **claims 17, 22 and 24** depend from **claim 10** and are patentably distinct for at least that reason.

Additionally, arguments similar to those submitted in support of **claim 1** are submitted in support of **claims 17, 22 and 24**. The Office Action stipulates that Pepper and Steele fail to disclose wherein determining the current air time ration state associated with the subscriber comprises calculating the current air time ration state based on a current subscriber cost of air time. In support of the assertion that Manicone discloses this subject matter, the Office Action directs the attention of the Applicants to Manicone, column 1, lines 42-48, and column 10, lines 9-24. However, as indicated above, the cited portion of column 1 discusses alleged problems in the prior art with providing new services and does not disclose or suggest calculating current air time ration state based on a current subscriber cost of air time. The cited portion of column 10 summarizes displays shown in FIG. 13 and 14 of Manicone, which appear to be related to blocking and allowing particular numbers, and is unrelated to calculating a current air time ration state or calculating a current air time ration state based on a current subscriber cost of air time.

In explaining the rejection of **claim 22**, the Office Action stipulates that Pepper and Steele fail to disclose determining the current air time ration state associated with the subscriber comprises requesting billing information regarding the subscriber from the billing system. In support of the assertion that Manicone discloses the subject matter, the Office Action directs the attention of the Applicants to same portions of column 1 and column 9 discussed above.

However, the cited portions are unrelated to determining a current air time ration state or doing so by requesting billing information regarding the subscriber from a billing

system.

With regard to **claim 24**, the Office Action makes reference to the same portions of Manicone. In this regard, arguments similar to those submitted in support of **claim 22**, are submitted in support of **claim 24**. The cited portions of column 1 and column 10 of Manicone do not disclose or suggest requesting billing information regarding the subscriber from the billing system comprises requesting information regarding the current cost to the subscriber of air time.

For at least the foregoing reasons, **claims 17, 22 and 24** are not anticipated and are not obvious in light of Pepper, Steele and Manicone taken alone or in any combination.

Additionally, there is no motivation in the art for combining the cited portions of Pepper, Steele and Manicone, and the Office Action does not assert that such a motivation exists or suggest what that motivation might be. Therefore, the Office has not met the requirements for presenting a case for *prima facie* obviousness.

Even if Pepper, Steele and Manicone disclose or suggest the subject matter for which they are relied, and even if the references can be combined, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggest the desirability of the combination.

For at least the foregoing additional reason, **claims 17, 22 and 24** are not anticipated and are not obvious in light of Pepper, Steele and Manicone taken alone or in any combination.

Claims 19 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over four references: Pepper in view of Steele, and further in view of Wise and further in view of Chow.

However, **claims 19 and 20** depend from **claim 18**, which depends from **claim 10**. In this regard, arguments similar to those submitted in support of **claims 10 and 18** are submitted in support of **claims 19 and 20**.

Additionally, it is respectfully submitted that there is no motivation in the art to combine the four references, Pepper, Steele, Wise and Chow, and the Office Action does not assert that such a motivation exists or suggest what such a motivation might be. Therefore, the Office has not met the requirements for presenting a case for *prima facie* obviousness.

Even if the four references can be combined, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the

prior art also suggests the desirability of the combination (MPEP 2143.01(III)).

It is respectfully submitted that the only motivation to combine the four references can only have been found in the present application. Therefore, it is respectfully submitted that the rejection of **claims 19 and 20** are based on impermissible hindsight.

For at least the foregoing additional reasons, **claims 19 and 20** are not anticipated and are not obvious in light Pepper, Steele, Wise and Chow taken alone or in any combination.

Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Steele, in further view of Manicone and further in view of Wise.

However, **claim 23** depends from **claim 22** which depends from **claim 10**. In this regard, arguments similar to those submitted in support of **claims 10 and 22** are submitted in support of **claim 23**.

Additionally, it is respectfully submitted that there is no motivation in the art to combine the four references, Pepper, Steele, Manicone and Wise. It is noted that the Office Action does not assert that such a motivation exists and fails to suggest a motivation for combining Pepper, Steele, Manicone and Wise. Therefore, the Office has not met the requirements for presenting a case for *prima facie* obviousness.

Even if the four references can be combined, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (MPEP 2143.01(III)). Additionally, it is respectfully submitted that the motivation to combine the four references can only have been found in the present application. Therefore, it is respectfully submitted that the rejection of **claim 23** is based on impermissible hindsight.

For at least the foregoing additional reasons, **claim 23** is not anticipated and is not obvious in light Pepper, Steele, Mainicone and Wise taken alone or in any combination.

Claims 25-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pepper in view of Manicone and further in view of Wise. In explaining the rejection of **claim 25**, the Office Action stipulates that Pepper fails to disclose a system operative to conserve message units for a subscriber comprising to determine a current message unit ration state based on a current cost of message units to the subscriber and a call processor operative to process a call request of the calling party based on the determined current message unit state.

Instead, the Office Action relies on Manicone, column 1, lines 45-48, for this disclosure. However, column 1, lines 43-50, which includes the cited portion of Manicone, recites: "Moreover, adding a new service to existing services create significant problems due to possible interaction between the new and existing services. This creates additional obstacles to implementing new telephone services. For example, it is very possible that adding a new service, such as call waiting, may be incompatible in certain circumstances with an existing service, such as call transfer on busy."

It is respectfully submitted that the cited portion of Manicone is unrelated to and does not disclose or suggest a system operative to conserve message units for a subscriber comprising to determine a current message unit ration state based on current cost of message units to the subscriber. Since Manicone does not disclose or suggest the subject matter for which it is relied, the combination of Pepper, Manicone and Wise does not disclose or suggest the subject matter of **claim 25**.

For at least the foregoing reasons, **claim 25**, as well as **claims 26-29**, which depend therefrom, is not anticipated and is not obvious in light of Pepper, Manicone and Wise taken alone or in any combination.

Additionally, in explaining the rejections of each of **claims 26-29**, the Office Action again directs the attention of the Applicants to column 1, lines 45-48, of Manicone, which, as explained above, is unrelated to the subject matter of the present application. With regard to **claims 26-29**, the Office Action also directs the attention of the Applicants to Wise, column 1, line 61 - column 2, line 10. However, explained above, column 1, line 50 - column 2, line 10, which includes the cited portion of Wise, clearly summarizes activities associated with a cellular phone user (CPU) initiating an outgoing phone call (column 1, line 58) and does not disclose or suggest a message unit converter operative to determine a priority of a calling party based on a list of potential callers and to determine a current message unit ration state based on a current cost of message units to the subscriber as recited in **claim 27**, or a message unit conserver operative to request a current message unit billing category associated with the subscriber from a billing system, to receive the current message unit billing category and use the current billing category to determine the current message unit ration state based on a current cost of message units to the subscriber, as recited in **claim 28**, or a message unit conserver operative to request information from a billing system regarding used message units in a current message unit billing category from an

allotment of message units in the current message unit billing category associated with the subscriber, to receive the information regarding the used message units and use the information regarding the used message units to determine the current message unit ration state as recited in **claim 29**.

For at least the foregoing additional reasons, **claims 27-29** are not anticipated and are not obvious in light of Pepper, Manicone and Wise taken alone or in any combination.

Additionally, there is not motivation to combine Pepper, Manicone and Wise; and the Office Action does not assert that there is a motivation or indicate what the motivation is.

For at least the foregoing reasons, the Office Action does not meet the requirements for presenting a case of *prima facie* obviousness. It is respectfully submitted that any motivation to combine Pepper, Manicone and Wise can only have been found in the present application. Therefore, the rejection of **claims 25-29** is based on impermissible hindsight.

For at least the foregoing reasons, **claims 25-29** are not anticipated and are not obvious in light of Pepper, Manicone and Wise taken alone or in any combination.

Telephone Interview

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

CONCLUSION

Claims 1-30 remain in the application. **Claim 29** has been amended to correct typographical errors.

For at least the foregoing reasons, it is respectfully submitted that the application is in condition for allowance. Accordingly, an early indication thereof is respectfully requested.

Respectfully submitted,

FAY, SHARPE, FAGAN,
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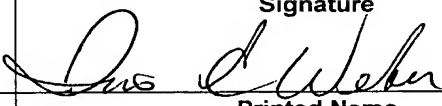
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CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
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- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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